IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 13383 of 2004

Between:

Jupalli Papaiah Naidu, s/o Seshaiah Naidu,
R/o Chevireddipalli Village, Venkatagiri Mandal,
Nellore District.

..... PETITIONER

AND

1 The Government of A.P. rep. by its Secretary,
Revenue Department, (Assignment-II), Secretariat Buildings,

Hyderabad.
2 The Joint Collector, Nellore, Nellore District.
3 The Mandal Revenue Officer, Venkatagiri Mandal, Venkatagiri,
Nellore District.
4 Kodimudi Ramamurthy, S/o Meeraiah,
Venkatagiri, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of mandamus or any other appropriate Writ or direction declaring the action of the respondents 2 and 3 in proceeding to evict the petitioner and demolish the building bearing No.3-132/1 of Chevireddipalli village during the pendency of the appeal as illegal and arbitrary and consequently direct the respondents 2 and 3 not to evict the petitioner from the house bearing No. 3-132/1 of Chevireddypalli village.

Counsel for the Petitioner : MR.P.GANGA RAMI REDDY

Counsel for the Respondents 1 to 3 : G.P. FOR REVENUE

The Court at the stage of admission,made the following :

ORDER :

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Aggrieved by the order passed by the third respondent ordering eviction of the petitioner, petitioner carried the matter in appeal before the second respondent and pending the appeal, this Court directed to maintain status quo in W.P.No.5512 of 2001. The second respondent by his order dated 18.3.2004 dismissed the appeal preferred by the petitioner. On dismissal of the said appeal, petitioner filed revision petition before the first respondent on 19.7.2004 along with application to stay the eviction of the petitioner. Since no orders as such, were passed, petitioner filed the present writ petition.

When a statutory revision is pending, the writ petition against the very same order does not lie, and this Court cannot pass any orders in this writ petition, except directing the revisional authority to dispose of the stay petition/revision expeditiously.

In view of the same, the first respondent is directed to dispose of the stay petition filed by the petitioner within a period of six weeks from the date of receipt of a copy of this order. Till such time, Status quo existing as on today shall be maintained by the parties i.e. till 10.9.2004 and before the said date, first respondent shall pass appropriate orders on the said stay petition in accordance with law. However, it is open for the first respondent to pass appropriate orders only on hearing the petitioner and fourth respondent herein.

The writ petition, with the above observations and directions is accordingly disposed of. No costs.

A.GOPAL REDDY, J

Date: 30.7.2004

DA

Note: Issue C.C. in (3) days.

B/o

DA

To

1 The Principal Secretary, Government of A.P. Revenue Department,

(Assignment-II), Secretariat Buildings, Hyderabad.
2 The Joint Collector, Nellore, Nellore District.
3 The Mandal Revenue Officer, Venkatagiri Mandal, Venkatagiri, Nellore District.

4. Two CCs to the G.P. for Revenue, High Court, Hyderabad (OUT)

5. Two CD copies.